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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|----------------------|---------------------|------------------|
| 09/944,598 | 09/04/2001 | Tsuneo Sato | 0649-0798P | 2439 |
| 2292 | 7590 | 03/01/2005 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH | | | AMINI, JAVID A | |
| PO BOX 747 | | | ART UNIT | |
| FALLS CHURCH, VA 22040-0747 | | | PAPER NUMBER | |
| | | | 2672 | |

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/944,598 | SATO ET AL. | |
| | Examiner | Art Unit | |
| | Javid A Amini | 2672 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 6-8 and 17-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. <u>12/09/04</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed November 29, 2004 have been fully considered but they are not persuasive.

Applicant on page 2 under claim rejections 35 U.S.C. §103 argues to withdraw the finality of the office action dated July 27, 2004. Examiner's reply: Examiner cited substantially the same statement of a ground of rejection in the final rejection dated July 27, 2004 as in the non-final rejection dated December 11, 2003. Therefore, it does not consider a new statement of ground of rejection. Since the applicant noted one of the references (Adams et al.), which was not in rejection independent claims 6, 7, 17 and 22. Then the examiner withdrawn the final rejection dated July 27, 2004, so the applicant can be given fair opportunity to reply.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 23-26 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant in claims 23-26 claims requires providing an explanation for claimed language of "color intensity".

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 21 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant in the claim 21 claims "a repairing method", but does not specify the method.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8 and 17-26 rejected under 35 U.S.C. 103(a) as being unpatentable over D'Errico, and further in view of Adams et al. (hereinafter, called Adams),

1. Claim 6.

D'Errico teaches in the abstract the step of "multidimensional lookup table producing means for producing a multidimensional lookup table having color characteristic points representing the supplied image data"; D'Errico discloses, for modifying an original color image read from an input film and for writing a reproduced image on an output film. D'Errico in col. 2 lines 51-60 teaches the color imaging apparatus that employs a least squares algorithm to construct a multi-dimensional look-up table for transforming imaging information between non-linearly related color spaces. The following step of "multidimensional lookup table compression means for

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compressing said multidimensional lookup table,” D’Errico in col. 2 lines 27-34 teaches one way to reduce the storage space that a LUT requires is to reduce the amount of data used to define a given color space and to provide on-line digital processing that linearly interpolates between adjacent data points (nodes) of the LUT. A piece-wise linear interpolation procedure, however, only approximates a higher-order non-linear function of the kind descriptive of color spaces actually employed. D’Errico does not explicitly specify identifier for the step of “wherein the color characteristic data, which is produced by the color characteristic description apparatus, includes the compressed multidimensional lookup table and the identifier, which identifies a restoring method for restoring the compressed multidimensional lookup table.” However, Adams in col. 2 lines 43-66 teaches a technique for dynamic alteration of a color look-up table (CLUT) pallet identifier in response to one or more key codes placed in an input data stream. Adams in col. 27 lines 10-15 teaches a solution to make a kernel save and restore the state for any interrupted application, allowing only one application to use the acceleration engine, or using a software semaphore. Applicant discloses on page 8 of specification software for restoring compressed data. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Adams et al. into D’Errico in order to take advantage of the single buffering technique of the Adams, that the video frames from source are often interlaced to thereby improve display resolution without increasing the amount of data per frame. This arrangement provides substantial improvements in table addressing efficiency and is particularly well suited for use in graphics processors, which generate graphics data using color look-up tables.

2. Claims 7, 8, 17-21

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See rejection of claim 6. Regarding claims 18-19, D'Errico in col. 8 lines 11-13 discloses a video signal that is equivalent to signal of a digital camera. Also Adams in col. 1 lines 25-26 discloses the invention relates generally to video, audio, graphics, input/output and other processing functions in set top box applications. D'Errico in col. 6 lines 31-45 teaches that the specifications for patches of material in a given color space (device independent or dependent) are commonly derived via measurement and calculation using color test strips (Examiner's interpretation: considered as a colorimeter). Regarding claim 20, it would have been obvious to a person skill in the art to recognize the purpose of the work of Adams and D'Errico is for synthesizing (producing/making and etc.) the color characteristic between input and output image data. Applicant in the claim 21 claims "a repairing method", but does not specify the method however, D'Errico in col. 9 lines 6-12 teaches a correction method of the LUT.

3. Claims 22-26

See rejection of claim 6 and 7, Applicant in claims 23-26 claims that color intensity data is included of Red, Green and Blue color data. It would have been obvious to a person skill in the art to recognize the color intensity includes RGB. See D'Errico in fig. 3 illustrates the three-color intensity. Adams in col. 2 lines 20-40 teaches the RGB pixel data for a given pixel are first converted to luminance (intensity) and chrominance data for that pixel. Applicant requires providing an explanation for claimed language of "color intensity".

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 703-605-4248. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini
Examiner
Art Unit 2672

Javid Amini


JEFFERY BRIER
PRIMARY EXAMINER
